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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 SCHNEIDER RUCINSKI ENTERPRISES, a } Case No. 3:08-cv-00138-WQH-POR
12 California Company, }
Plaintiff, } Date: April 28, 2008
} Time: 11:00 a.m.

15 vs. } Judge: Hon. William O. Hayes

19 Defendants.

I. DEFENDANT INX, INC. HEREBY JOINS IN THE ARGUMENTS MADE IN DEFENDANT STRATASOFT'S REPLY TO PLAINTIFF'S OPPOSITION TO THE MOTION TO DISMISS PURSUANT TO RULE 12(b)(1)

On March 28, Plaintiff Noreen Rucinski (doing business as Schneider Rucinski Enterprises) filed a supplemental opposition to Defendant INX, Inc.’s motion to dismiss this action for lack of subject matter jurisdiction. By the time Plaintiff filed its supplemental opposition, Defendant INX, Inc., (“INX”) had already previously filed its reply memorandum

1 of points and authorities in reply to Plaintiff's original opposition. INX's reply was filed on
 2 March 17, 2008.

3 Plaintiff's supplemental opposition against INX's motion to dismiss is identical in all
 4 substantive respects to the opposition she has filed opposing Defendant Stratasoft's motion to
 5 dismiss for lack of subject matter jurisdiction. Plaintiff's supplemental opposition raises new
 6 matter that was not addressed in her original opposition to INX's motion to dismiss, and which
 7 INC therefore did not address in its original reply memorandum. But since the matters raised
 8 by Plaintiff against INX in the supplemental opposition are identical in all material respects to
 9 the matters she has raised in her opposition to Stratasoft's motion to dismiss, rather than filing
 10 a supplemental reply that would essentially duplicate the arguments being made by Defendant
 11 Stratasoft, Defendant INX hereby joins in those points and arguments as presented in the
 12 concurrently filed reply memorandum of points and authorities filed on behalf of Defendant
 13 Stratasoft.

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15 **II. CONCLUSION**

16 The Complaint must be dismissed because Plaintiff has failed to establish federal
 17 jurisdiction under either federal question or diversity jurisdiction.

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19 Dated: April 21, 2008

Respectfully submitted

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WALLER LANSDEN DORTCH & DAVIS, LLP

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By: s/John E. McOske

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Attorneys for Defendants

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Stratasoft, Inc. and INX, Inc.

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E-mail: jmcoske@wallerlaw.com

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CERTIFICATE OF SERVICE

3 STATE OF CALIFORNIA }
4 COUNTY OF LOS ANGELES } ss.

6 I am employed in the County of Los Angeles, State of California. I am over the age of
18 and not a party to the within action. My business address is 333 S. Grand Avenue, Suite
1800, Los Angeles, California 90071.

On April 21, 2008, I served on the interested parties in said action the within:

DEFENDANT INX, INC.'S NOTICE OF JOINDER IN MEMORANDUM OF
POINTS AND AUTHORITIES FILED BY DEFENDANT STRATASOFT IN REPLY TO
PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS

10 by placing true copies thereof in a sealed envelope(s) addressed as stated below, and
11 causing such envelope(s) to be deposited in the U.S. Mail at Los Angeles, California.

Noreen Rucinski
Dir. Strategic Business Development
Schneider Rucinski Enterprises
3344 N Mt. View Dr
San Diego CA 92116
Tel (619) 282-7977
Plaintiff in Pro Per
Appearing pro se

(OVERNIGHT DELIVERY) by depositing in a box or other facility regularly maintained by UPS, an express service carrier, or delivering to a courier or driver authorized by said express service carrier to receive documents, true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed as stated above, with fees for overnight delivery paid or provided for and causing such envelope(s) to be delivered by said express service carrier.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on April 21, 2008, at Los Angeles, California.

Rosie A. Ortiz
(Type or print name)

(Signature)